

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ALLEN SMITH, #46787

PETITIONER

VS.

CIVIL ACTION NO. 5:09cv34-DCB-MTP

LAWRENCE KELLY

RESPONDENT

JUDGMENT

This matter having come on to be heard on this date upon the Report and Recommendation of the United States Magistrate Judge entered in this cause, and the Court, after a full review of the record, having adopted said Report and Recommendation as the finding of this Court by Order dated this day, finds that Respondent's Motion to Dismiss [7] should be granted and that Petitioner's Petition for a Writ of Habeas Corpus [1] should be dismissed with prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Respondent's Motion to Dismiss [7] is granted and the above captioned cause be, and the same is hereby, dismissed with prejudice.

SO ORDERED this the 31st day of July, 2009.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE